

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

**INITIAL STUDY /
MITIGATED NEGATIVE DECLARATION**

I. BACKGROUND

PROJECT TITLE: Petitions to Change Water Right License 2805

LICENSE: 2805 (Application 10068)

PETITIONER: Smith Family Trust
Patricia B. Smith, Trustee
1703 Countryside Drive
Vista, CA 92081

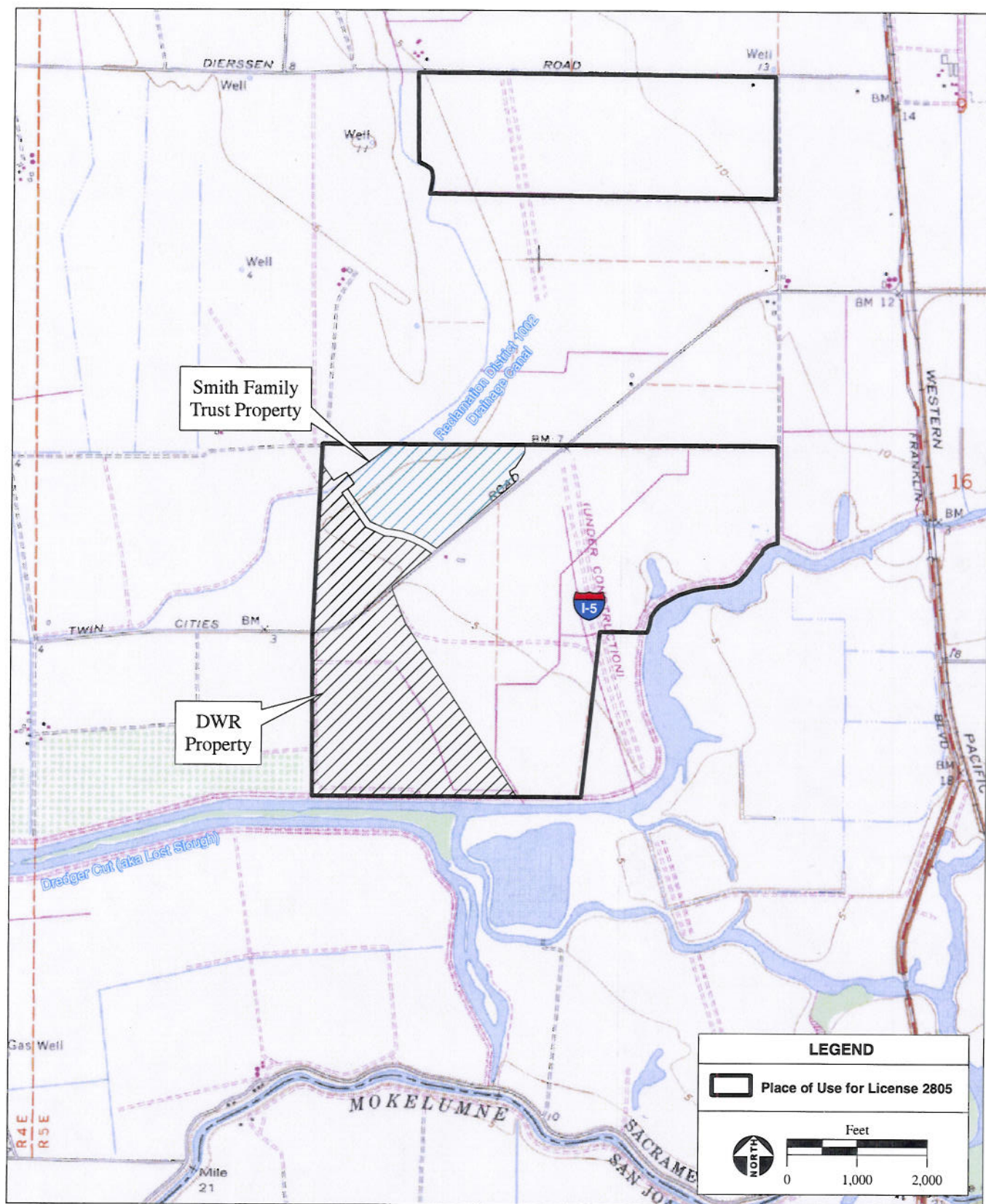
GENERAL PLAN DESIGNATION: Agricultural Cropland and
Resource Conservation Area

ZONING: Agriculture - 80

Introduction

There are a number of actions pending on License 2805 (Application 10068). The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) is processing requests to split the water right, based on land ownership. Some properties that were in the original place of use, but are no longer served under the license will be removed from the licensed place of use, and the water right quantity will be adjusted accordingly. In addition, the original point of diversion was taken out of service when Interstate 5 was constructed. To remedy the fact that alternate points of diversion are now in use, the following actions have occurred: (1) on April 19, 2002, the Department of Water Resources (DWR) filed a change petition to add existing pump locations and an Unnamed Stream (aka Reclamation District 1002 Drainage Canal) to the license, (2) on December 19, 2005, Tom Stokes filed a petition to change to add his existing pump location to the license, (3) on February 2, 2007, the Smith Family Trust filed a change petition to add a proposed new pump location and source (the same drainage canal requested in the DWR petition) to the license. DWR and Tom Stokes moved their pumps prior to 1980; these changes are part of the baseline for the California Environmental Quality Act (CEQA) evaluation of the Smith Family Trust petition.

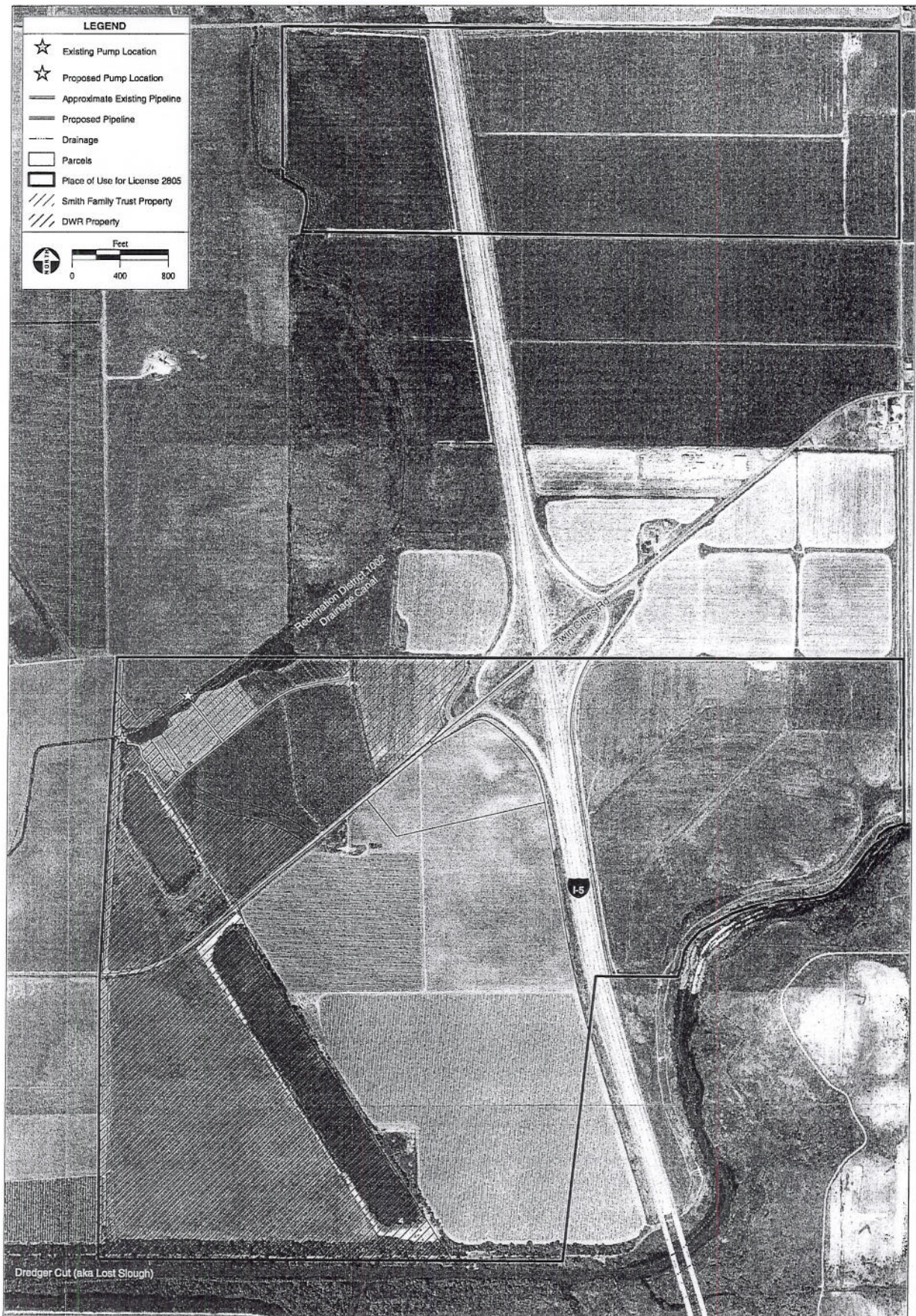
The new Smith Family Trust pump will be located 600 feet eastward of the existing DWR pump on the drainage canal, which is tributary to Dredger Cut, thence Snodgrass Slough. The project is located approximately ten miles southwest of the City of Sacramento, less than a quarter of a mile from the intersection of Twin Cities Road and Interstate 5 (I-5), in Sacramento County, California (**Figure 1**). The project site is within Township 5N, Range 5E, Sections 16 and 17, on



SOURCE: "Bruceville, CA" USGS 7.5 Minute
Topographic Quadrangle, T6N R5E, Sections 16 & 17,
Mt. Diablo Baseline & Meridian; AES, 2008

Smith Family Trust Biological Resources Technical Memorandum / 207531 ■

Figure 2
Site and Vicinity



the "Bruceville, CA" 7.5-minute U.S. Geological Service (USGS) quadrangle (**Figure 2**). The project site includes portions of 11 parcels, including the approximately 58.1-acre Smith Family Trust property and DWR property (**Figure 2**).

Project Description

Petition to Change License 2805 proposes to relocate an existing point of diversion (POD) approximately 600 feet eastward from DWR-owned land to land owned by the Smith Family Trust (**Figure 3**). The POD is located in the northwestern corner of the project site on the drainage canal, which is tributary to Dredger Cut, also referred to as Lost Slough, which is a tributary to Snodgrass Slough. Relocation of the POD would involve removal of an existing pump and placement of the same or similar type of new pump. The new pump would be located on the southern side of the drainage canal, similar to the existing pump. A power line with a transformer exists at the existing pump location. Sacramento Municipal Utility District (SMUD) intends to extend power from existing power lines by adding three poles along the northern bank of the drainage canal and extending aerial lines over the ditch channel to transfer power to the new pump. A new pipeline would be extended from the proposed pump approximately 500 feet southeast across an existing agricultural field and connected to an existing pipeline. The relocation of the POD would not change the other PODs identified in the license and the DWR and Stokes petitions, the authorized POU, and the amount of water diverted under the license. A copy of the three petitions are on file with the Division.

Project Background

Under License 2805, water can be directly diverted from the POD at a rate of 9.65 cubic feet per second (cfs) from March 1 to December 1. Pursuant to a pending license split, each Petitioner will receive part of the 9.65 cfs. Water diverted under this license is used for irrigation of 772.5 acres of row crops, including corn and alfalfa, as well as stockwatering. The existing POU includes the 58.1-acre Smith Family Trust property and 98 acres owned by DWR. In the 1970s DWR purchased 13 acres of the project site from Norman Smith (of Smith Family Trust), including the portion of the drainage canal where the subject POD is located. Since then the 13 acres have been leased from DWR and farmed along with the 58.1-acre Smith Family Trust property. The purpose of the project is to relocate the existing POD from DWR land to the Smith Family Trust property. Details of the new pump and power poles have not yet been finalized, but it is expected that specifications of these components would be similar to the existing pump and power poles. Accordingly, the new pump would impact a surface area of approximately 20 square feet (4.5 by 4.5 feet) and extend eight feet deep¹. The placement of three new power poles is expected to impact a surface area of approximately one square foot and extend several feet deep for each pole. The new pipeline would disturb a surface area of approximately 500 square feet (500 feet long by one foot wide) and would be buried approximately four feet deep². Construction activities, such as the movement of workers and transportation and use of any machinery, would also likely disturb areas immediately surrounding the proposed locations of the new pump, power poles, and pipeline. After the existing pump is removed this area would be infilled.

The Smith Family Trust petition to Change License 2805 was noticed for public review on March 23, 2007. No protests were filed against this petition. The DWR and Norman Smith petitions were noticed on March 24, 2006 and no protests were filed.

Environmental Setting

The CEQA baseline for the proposed project is April 19, 2002, the date the first Petition to Change License 2805 was filed with the Division. Based on the project background discussed above, aspects of the project that are part of the CEQA baseline include: the diversion of water from the licensed POD and the PODs identified in the DWR and Stokes petitions, and use of this water on 772.5 acres of existing row crops, as well as stockwatering purposes. This CEQA document discusses the impacts associated with the placement of the new sump pump 600 feet eastward of its existing location, extension of power lines to the pump, and construction of the new pipeline. **Table 1** provides an overview of project features in relation to the CEQA baseline date.

TABLE 1: CEQA BASELINE AND PROJECT COMPONENTS

Existing Project Components at CEQA Baseline	CEQA Baseline Date	Project Components
<ul style="list-style-type: none">• Direct diversion at a rate of 9.65 cfs• 772.5 acres of existing row crops	April 19, 2002	<ul style="list-style-type: none">• Relocation of pump approximately 600 feet east of current location;• Extension of power lines that would involve the placement of three new power poles; and• Construction of the new pipeline.

The project site is located in southern Sacramento County. This area is located in the Great Valley geomorphic province, which is considered a seismically active region. Topography within the region is flat, with land use primarily for agriculture. Elevation at the project site is approximately five feet above mean sea level (msl). The majority of the project site is comprised of agricultural lands that include irrigated pasture and row crops, including corn and alfalfa. Annual grassland, oak woodland, oak savanna, mixed conifer woodland, and riparian areas also characterize the project site. In the vicinity of the project site are various aquatic habitats, including the American River, Sacramento River, Consumnes River and tributary perennial drainages, seasonal drainages, wetlands, vernal pools, man-made reservoirs, and the southern edge of the County is the Bay-Delta. A drainage canal transects the northwest corner of the project site. The climate in this area is subhumid with hot, dry summers and cool moist winters. The annual precipitation is approximately 17 inches and the mean annual temperature is approximately 61 degrees Fahrenheit³.

Regulatory Environment

The State Water Board is the lead agency under CEQA with the primary authority for project approval. In addition, the following responsible and trustee agencies may have jurisdiction over some or the entire proposed project:

- U.S. Fish and Wildlife Service (USFWS) – Federal Endangered Species Act (ESA) Compliance.
- National Marine Fisheries Service (NMFS) – Federal ESA Compliance.
- California Department of Fish and Game (DFG) – California Endangered Species Act (CESA) Compliance and Streambed Alteration Agreement.

II. ENVIRONMENTAL IMPACTS

The proposed project could potentially affect the environmental factors checked below. Refer to the detailed checklists located in the following pages for more details.

- | | | |
|---|--|--|
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input checked="" type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Cultural Resources |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Transportation and Circulation | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Public Services | |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Geology and Soils. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines & Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located within the Great Valley geomorphic province, which is divided into four geomorphic subunits: 1) The Delta; 2) River Floodplain; 3) Alluvial Plain; and 4) Low

Foothills. The proposed project is located within the Alluvial Plan subunit and is typically comprised of dense or hardpan clay particles. Most of Sacramento County has been shaped by the local geomorphology through stream erosion and deposition, as well as strong seismic events located to the west (San Francisco Bay Area) or to the east (Sierra Mountain range).

According to the County soil survey, soil in the project area includes six soil types: Egbert clay, Dierssen sandy clay loam, Clear Lake clay, San Joaquin silt loam, San Joaquin-Galt complex, and Dierssen clay loam⁴. **Table 2** summarizes the characteristics of each of these soil types. Most soil types on the project site have a very low erosion potential, with the exception of the Egbert clay, which has a moderately low to moderately high erosion potential. The two San Joaquin soil types are moderately well drained, whereas the other soil types are poorly to somewhat poorly drained.

TABLE 2: PROJECT SITE SOIL CHARACTERISTICS⁵

Soil Type	Slope (%)	Drainage Class	Erosion Potential
Egbert clay	0 to 2	Poorly drained	Moderately low to moderately high
Dierssen sandy clay loam	0 to 2	Somewhat poorly drained	Very low
Clear Lake clay	0 to 1	Somewhat poorly drained	Very low
San Joaquin silt loam	0 to 1	Moderately well drained	Very low
San Joaquin-Galt complex	0 to 1	Moderately well drained	Very low
Dierssen clay loam	0 to 2	Somewhat poorly drained	Very low

According to the Sacramento County General Plan, no major active faults are located within the County, however, there are active faults located to the west (San Francisco Bay Area) and east (Sierra Nevada) of Sacramento County⁶. These regionally active fault systems have the potential to affect the County. Historically, Sacramento County has experienced very little damage from seismic activity, the most recent example being the 1989 Loma Prieta earthquake, which measured 7.1 on the Richter scale. According to the California Geological Survey's (CGS) Index of Earthquake Fault Zone Maps, the site is not located in an Alquist-Priolo Earthquake Fault Zone⁷.

Ground shaking from earthquakes affects the most people and can cause the most damage of any geologic hazard. The amount of ground shaking depends on magnitude of earthquake, distance from epicenter, and type of earth materials in between. According to the County General Plan, "Much of the County is located on alluvium which can increase the amplitude of the earthquake wave."⁸ Ground shaking on alluvium deposits may have amplified waves over a longer duration of time due to loose, water-saturated materials, which may cause greater damage. However, modern day earthquake-resistant construction practices significantly reduce the potential for damage from ground shaking. According to the California Division of Mines and Geology map, the western portion of the County has a relatively moderate potential for ground shaking, while central and eastern areas have a low potential for ground shaking.

Liquefaction and landslides can increase damage from ground shaking. Liquefaction changes water-saturated soil to a semi-liquid state, removing support from foundations and causing buildings to sink. According to the County's General Plan, the project site is located in an area that is not subject to high to moderate potential for liquefaction⁹. Landslides can result from ground shaking and may occur in areas of gentle slopes due to liquefaction of subsurface materials; however, the project is not located in an area with a high potential for landslides. Seiches are earthquake-generated waves, can occur in restricted or enclosed bodies of water.

The unnamed tributary transecting through the project site does not contain a large enough amount of water to be subject to seiches. The closest potential for a seiche wave would be from the west in the Delta.

Approximately one-third of all soil types in the County are expansive soils, which are soils that expand and shrink when water is present or absent, respectively. These soils are a concern for building foundations. Likewise, Sacramento County is subject to subsidence, which is the gradual settling of the land. Largely influenced from pumping water out of the region's water tables for residential, commercial, and agricultural usage, subsidence is a concern for many levees in the County.

Question A

The project site would not be located within a known Alquist-Priolo Earthquake Fault Zone, but could be affected by groundshaking from active faults to the east and west of the project site. The proposed project does not include features that would place people or structures at risk from the effects of groundshaking or landslide hazards. The proposed project would not alter the project site in a manner that would increase landsliding hazards. Impacts from geologic hazards such as landslides or ground failures are expected to be less than significant.

Question B

Erosion from agriculture does not generally pose a problem to most of the County, including the western region where the project site is located¹⁰. Ground disturbing activities would be limited to the footprint of the proposed project features. The new pump would impact a surface area of approximately 20 square feet and extend eight feet deep. The placement of the three new power poles is expected to impact a surface area of approximately one square foot and extend several feet deep for each pole. The new pipeline would disturb a surface area of approximately 500 square feet and would be buried approximately four feet deep. The footprint of disturbed area for these features is not considered large enough to result in substantial loss of topsoil or soil erosion. This is considered a less-than-significant impact.

Questions C–E

The project site is not located in an area with a high potential for landslides, nor is it in an area subject to moderate to high liquefaction potential. The proposed project would involve minor ground disturbing and earth moving activities, but would not alter the geology and soils in a manner that would increase the potential for landsliding, lateral spreading, subsidence, liquefaction or collapse. The proposed project does not include features that would place people or structures at risk to expansive soils. The proposed project does not include septic tanks or wastewater disposal systems.

Findings

Impacts to geology and soils as a result of the proposed project are considered less than significant.

Potentially
Significant
Impact Less Than
Significant
With
Mitigation
Incorporated Less Than
Significant
Impact No
Impact

2. Air Quality. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project is located within the Sacramento Valley Air Basin, which is under the jurisdiction of the Sacramento Metropolitan Air Quality Management District. The climate of the region is Mediterranean in character, with mild, rainy winter weather from November through April, and warm to hot, sub-humid weather from May through October. Air quality in the area is a function of the criteria air pollutants emitted locally, the existing regional ambient air quality, and the meteorological and topographic factors that influence the intrusion of pollutants into the area from sources outside the immediate vicinity. The Sacramento Valley Air Basin is generally affected by regionally high pollution emissions.

Federal

The 1977 federal Clean Air Act (CAA) required the Environmental Protection Agency (EPA) to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. NAAQS have been established for the six "criteria" air pollutants such as; ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, respirable particulate matter, and lead. Pursuant to the 1990 CAA Amendments, the EPA has classified air basins (or portions thereof) as either "attainment" or "non-attainment" for each criteria air pollutant, based on whether or not the NAAQS have been achieved. The Sacramento Valley Air Basin is designated as a non-attainment area for ozone¹¹.

State

The California Air Resources Board (CARB) regulates mobile emissions sources and oversees the activities of County Air Pollution Control Districts and regional Air Quality Management Districts (AQMDs). CARB regulates local air quality indirectly by State Ambient Air Quality Standards (SAAQS) and vehicle emission standards by conducting research activities, and through its planning and coordinating activities. California has adopted ambient standards that are more stringent than the federal standards for the criteria air pollutants. Under the California Clean Air Act, patterned after the federal CAA, areas have been designated as attainment or

non-attainment with respect to SAAQS. The Sacramento Valley Air Basin is designated as non-attainment for ozone, PM_{2.5}, PM₁₀, and either attainment or unclassified for carbon monoxide, nitrogen dioxide, sulfur dioxide and lead¹².

Criteria Pollutants

Ozone (O₃)

O₃ is not emitted directly into the atmosphere, but is a secondary air pollutant produced in the atmosphere. Through a complex series of photochemical reactions, in the presence of strong sunlight and O₃ precursors (nitrogen oxides [NO_x] and reactive organic gases [ROG]), O₃ is created. Motor vehicles are a major source of O₃ precursors. O₃ causes eye and respiratory irritation, reduces resistance to lung infection, and may aggravate pulmonary conditions in persons with lung disease.

Respirable Particulate Matter (PM_{2.5})

PM_{2.5} consists of particulate matter 2.5 micrometers or less in diameter, which can be inhaled. Relatively small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorine or ammonia) that may be injurious to health. Primary sources of PM_{2.5} emissions include combustion activities (motor vehicles, power plants, wood burning, etc.) and certain industrial processes.

Respirable Particulate Matter (PM₁₀)

Respirable particulate matter consists of particulate matter ten microns (one micron is one one-millionth of a meter) or less in diameter, which can be inhaled. Relatively small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorine or ammonia) that may be injurious to health. The amount of particulate matter and PM₁₀ generated is dependent on the soil type and the soil moisture content. Traffic generates particulate matter and PM₁₀ emissions through entrainment of dust and dirt particles that settle onto roadways and parking lots. Other sources of PM₁₀ include burning of wood in residential wood stoves and fireplaces and open agricultural burning.

Questions A–E

Potential air quality impacts associated with the proposed project are limited to those resulting from short-term construction activities involved with the development of the proposed project. Since construction activities involved with the proposed project include relocation of the sump pump, placement of three new power poles and construction of a new pipeline, potential emissions from construction activities are not expected to be substantial. The proposed project, in combination with other emissions in the region, does not have the potential to result in a cumulatively considerable increase in criteria air pollutants. No new odors would be generated. Potential impacts are considered less than significant.

Findings

Impacts to air quality as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site, including through alteration of the course of a stream or river, or substantially increase the rate or volume of surface runoff in a manner that would:				
i) result in flooding on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) provide substantial additional sources of polluted runoff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Place housing or other structures which would impede or re-direct flood flows within a 100-yr. flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Expose people or structures to a significant risk of loss, injury, or death involving flooding:				
i) as a result of the failure of a dam or levee?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) from inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Would the change in the water volume and/or the pattern of seasonal flows in the affected watercourse result in:				
i) a significant cumulative reduction in the water supply downstream of the diversion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) a significant reduction in water supply, either on an annual or seasonal basis, to senior water right holders downstream of the diversion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) a significant reduction in the available aquatic habitat or riparian habitat for native species of plants and animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) a significant change in seasonal water temperatures due to changes in the patterns of water flow in the stream?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) a substantial increase or threat from invasive, non-native plants and wildlife	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located in the Sacramento Delta watershed. A drainage canal tributary to Dredger Cut, also referred to as Lost Slough, transects the northwest corner of the project site. Both the existing and proposed pumps are located along this drainage canal. The drainage canal has been operated by Reclamation District (RD) 1002 since 1906. RD 1002 distributes reclaimed water to the surrounding area via a gravity fed system for irrigation. The drainage canal contained water at the time of a September 18, 2007 survey of the project site by AES.

Questions A and D

Impacts to water quality could result from discharge of sediments into the drainage canal during activities associated with construction of the new pump and power poles, such as ground clearing and/or dredging. The proposed sump pump would impact a surface area of approximately 20 square feet and extend eight feet deep. The placement of the three new power poles would impact a surface area of approximately one square foot and extend several feet deep for each pole. The new pipeline would disturb a surface area of approximately 500 square feet and would be buried approximately four feet deep.

The following license terms, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust:

- *No construction shall be commenced and no water shall be diverted or used under this right until all necessary federal, state and local approvals have been obtained for the construction of the project facilities.*
- *In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, Licensee shall file a report pursuant to Water Code Section 13260 prior to commencement of construction and shall comply with all waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board.*
- *Licensee shall prevent any debris, soil, silt, cement that has not set, oil, or other such foreign substance from entering into or being placed where it may be washed by rainfall runoff into the waters of the State.*

Question B

The proposed project does not involve the use of groundwater resources. No impact would occur.

Question C

The proposed project would not redirect flood flows or alter the drainage pattern at the project site. No impact would occur.

Question E

The proposed project does not involve the construction of housing or other structures within a 100-year flood zone. This is considered a less-than-significant impact.

Question F

The proposed project would not have the potential to redirect flows. This is considered a less-than-significant impact.

Question G

Water diverted by the sump pump would be from the same or similar type of pump as exists on the drainage canal and would be located along the same length of canal; and therefore, the volume and patterns of seasonal flows in the canal would remain consistent with present uses. This is considered a less-than-significant impact.

Findings

After the implementation of the license terms outlined above, impacts to hydrology and water quality as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Biological Resources. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the DFG or USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

An AES biologist surveyed the existing and proposed pump sites and surrounding area on September 18, 2007. The purpose of the survey was to determine the presence/absence of special-status species or habitat that could potentially support special-status species within the survey area. All visible fauna and flora were noted and identified to the lowest possible taxon. Additionally, the survey area was assessed for the presence of other biologically sensitive features. A letter report was prepared that summarizes findings of the survey¹³; a copy of this report is on file with the Division. Photographs taken during the September 18, 2007 survey are in **Figure 4**.

Habitat Types

Two vegetation community types were identified within the survey area: agricultural land and a drainage canal. These are described below.

Agricultural Land

Agricultural land comprises the majority of the project site. The primary agricultural crops include irrigated pasture and row crop, including corn and alfalfa. The proposed pipeline route runs through an agricultural field.

Reclamation District 1002 Drainage Canal

The drainage canal runs northeast to southwest through the northwest portion of the project site. A riparian corridor occurs along both sides of the drainage canal. Agricultural crops surround the riparian corridor on both sides.

The existing sump pump occurs within the drainage canal just west of the northwestern boundary of the project site on DWR property. Dominant overstory vegetation observed within the riparian corridor in the vicinity of the existing sump pump includes willow (*Salix* sp.). Dominant understory vegetation observed within the riparian corridor in the vicinity of the existing sump pump includes Himalayan blackberry (*Rubus discolor*), Johnson grass (*Sorghum halepense*), and common knotweed (*Polygonum arenastrum*).

The proposed sump pump location occurs within the drainage canal approximately 600 feet east of the existing sump pump within the northwestern portion of the project site. Dominant overstory vegetation observed within the riparian corridor in the vicinity of the proposed sump pump includes willow (*Salix* sp.). Dominant understory vegetation observed within the riparian corridor in the vicinity of the proposed sump pump includes stinging nettle (*Urtica dioica*), purple top verbena (*Verbena bonariensis*), Johnson grass, and common knotweed.

Waters of the U.S.

The term "waters of the U.S." is defined as:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands; or
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use or degradation of which could affect interstate or foreign commerce including any such waters.

"Wetlands" are defined as:

Waters of the U.S. that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands that meet these criteria during only a portion of the growing season are classified as seasonal wetlands.



PHOTO 1: A view of the Smith Family Trust property, including row crops, grassland habitat in the distance, on the left cismontane woodland.



PHOTO 2: View west of power line at existing pump location along the south side of the drainage canal.



PHOTO 3: View east of the riparian corridor and existing pump location.



PHOTO 4: View east of the riparian corridor along south side of the drainage canal.



PHOTO 5: View west of the riparian corridor and drainage canal at the proposed pump location.



PHOTO 6: View east of the riparian corridor and drainage canal at the proposed pump location.

AES biologists conducted an informal assessment of the aquatic features within the survey area. This assessment was conducted concurrently with the biological surveys. The drainage canal and two reservoirs exist on the DWR property; the drainage canal also exists on the Smith Family Trust property. These features have potential to be considered jurisdictional waters of the U.S. and could be subject to USACE, Regional Water Quality Control Board, and/or DFG regulation if future development (i.e., fill and/or dredging) within them is proposed under Section 404 and 401 of the Clean Water Act and Section 1600 of the California Fish and Game Code, respectively.

Special-Status Species

For the purposes of this assessment, "special-status species" are defined as species of management concern to State and Federal resource agencies, and include those species that are:

- Listed as endangered, threatened, or candidate for listing under the Federal ESA;
- Listed as endangered, threatened, rare, or proposed for listing, under CESA;
- Designated as endangered or rare, pursuant to California Fish and Game Code (Section 1901);
- Designated as fully protected, pursuant to California Fish and Game Code (Section 3511, 4700, or 5050);
- Designated as species of special concern by DFG; or
- Plants or animals that meet the definitions of rare or endangered under CEQA, including plants ranked by the California Native Plant Society (CNPS) to be "rare, threatened, or endangered in California" (Lists 1A, 1B, and 2).

An inventory of regionally occurring special-status plant and animal species was gathered; a summary of special-status species with potential to occur onsite is provided below and a complete inventory of all regionally occurring special-status species can be found in the biological resources letter report that is on file with the Division¹⁴. The inventory is based on a review of pertinent literature, the reconnaissance-level site assessment, informal consultation with the USFWS, and the results of a California Natural Diversity Data Base (CNDDDB) query of all reported occurrences of special-status species within the "Bruceville, CA" USGS 7.5 minute topographic quadrangle (quad) and eight adjoining quads¹⁵. The eight quads include: Clarksburg, Florin, Elk Grove, Courtland, Galt, Isleton, Thornton, and Lodi North. The CNDDDB query lists documented occurrences of invertebrate, fish, amphibian, reptile, bird, mammal, and plant species by USGS quads.

As described in the letter report, the list of regionally occurring special-status species was evaluated to determine which of the special-status species had the potential to occur on the project site. Habitat requirements for each special-status species identified on the nine quads were assessed and compared to the habitats occurring within the survey area. Based upon the review of regionally occurring special-status species and their habitat requirements, and the results of the field assessment, the survey area and vicinity has potential to support five special-status animal species. The name, regulatory status, habitat requirements, and period of identification for these potentially occurring special-status species are identified in **Table 3**.

TABLE 3: POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES¹⁶

Scientific Name Common name	Status Federal/ State/CNPS or Other	Habitat Requirements	Period of Identification
ANIMALS			
Fish			
<i>Hypomesus transpacificus</i> Delta smelt	FT/CT/--	Estuarine waters. Majority of life span is spent within the freshwater outskirts of the mixing zone (saltwater-freshwater interface) within the Delta.	Consult Agency
Reptiles			
<i>Actinemys marmorata</i> western pond turtle	--/CSC/--	Requires aquatic habitats with suitable basking sites. Nest sites most often characterized as having gentle slopes (less than 15 percent) with little vegetation or sandy banks.	Year round
<i>Thamnophis gigas</i> giant garter snake	FT/CT/--	Inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands. Requires adequate water during its active season (early spring through mid-fall) to provide food and cover, emergent, herbaceous wetland vegetation for foraging and cover, grassy banks and openings in waterside vegetation for basking, and higher elevation uplands for cover and refuge from flood waters during its dormant season (winter). Inhabits small mammal burrows and other soil crevices with sunny exposure along south and west facing slopes, above prevailing flood elevations when dormant.	March to October
Birds			
<i>Buteo swainsoni</i> Swainson's hawk	--/CT/--	Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah. Requires adjacent suitable foraging areas such as grasslands, alfalfa, or grain fields supporting rodent populations.	March to October
<i>Elanus leucurus</i> white-tailed kite	--/CFP/--	Habitats include savanna, open woodland, marshes, partially cleared lands and cultivated fields, mostly in lowland situations. Nesting occurs in trees.	Year round

STATUS CODES**FEDERAL: United States Fish and Wildlife Service**

FT Federally Threatened

STATE: California Department of Fish and Game

CT California Listed Threatened

CSC California Species of Special Concern

CFP California Fully-Protected

A November 2008 updated CNDDDB query of species occurrences within the Bruceville Quad and the eight adjoining quads as described above was collected and is on file with the Division¹⁷. Two new bird species appear in the query: ferruginous hawk (*Buteo regalis*) and merlin (*Falco columbarius*). These species are no longer listed as special-status by DFG, but they are protected by the Migratory Bird Treaty Act and Fish and Game Code section 3503 and no impacts to these species would occur with the measures discussed below.

Special-Status Fish

Delta Smelt (*Hypomesus transpacificus*)

Federal Status – Threatened

State Status – Threatened

Delta smelt adults are two to three inches long and reside primarily in the Sacramento-San Joaquin Estuary from Suisun Bay upstream through the Delta. The majority of their life span occurs within the interface between salt and freshwater¹⁸. Delta smelt require permanent streams. Delta smelt are a euryhaline species that can survive in estuarine waters with salinity reaching 14 parts per thousand (ppt). Adults migrate upstream from the brackish-water associated with the mixing zone and disperse widely into river channels and tidally influenced backwater sloughs shortly before spawning. Delta smelt spawn in shallow, fresh or slightly brackish water upstream of the mixing zone. Most spawning occurs in tidally influenced backwater sloughs and channel edgewater. Although spawning has not been observed in the wild, the eggs are thought to attach to substrates such as cattails, tules, tree roots and submerged branches¹⁹.

There are no CNDDDB records for Delta smelt within five miles of the project site. The nearest record is from 2006 and is located approximately 5.3 miles southwest of the project site. One adult was captured via electroshocking along riprap banks in the North Fork Mokelumne River. The project site occurs in the eastern boundary of critical habitat for Delta smelt²⁰. The project site occurs in the "Zone A" protection zone according to DFG's "In-Channel Project Review Guidelines for Protection of Delta Smelt (*Hypomesus transpacificus*)...", which states that in-channel project activities occurring between December 1 and July 31 may not require further project review²¹.

Although, the project site is within critical habitat for Delta smelt, the drainage canal does not contain suitable habitat. According to the November 2007 CNDDDB data, the 2006 record is the most upstream, inland occurrence known for Delta smelt. In addition, the drainage canal does not appear to be tidally influenced and does not contain water year round. Therefore, Delta smelt are not likely to occur in the drainage canal because they migrate from the mixing zone to tidally influenced sloughs and permanent streams.

Special-Status Reptiles

Western Pond Turtle (*Actinemys marmorata*)

Northwestern Pond Turtle (*Actinemys marmorata marmorata*)

Federal Status – None

State Status – Species of Concern

Because the northwestern pond turtle (NWPT) is a subspecies of the western pond turtle (WPT), the species is discussed collectively as the WPT. Although primarily considered an aquatic turtle, WPTs may spend half the year or more on land in some environments^{22,23}. WPTs are found along ponds, marshes, rivers, streams, and irrigation ditches with muddy or rocky bottoms and growing aquatic vegetation. WPTs require open areas for basking sites including logs or mats of submergent vegetation and prefer habitats with stable banks and underwater cover provided by logs, large rocks, bulrushes, or other vegetation. Egg-laying typically occurs in May and June, and may take place up to 0.5 kilometers from water²⁴. During the mating and nesting seasons (late April or early May and late April to early August, respectively²⁵), gravid females usually leave the water to nest on land in the late afternoon and return to the water by morning. Nest sites have been found as far as 400 meters from the water²⁶.

There are four CNDDDB records for WPT within five miles of the project site. The nearest record is from an unknown date by DFG within Lost Slough. The northwestern portion of the polygon is mapped on the project site at an accuracy of one mile. The drainage canal in the northwest portion of the project site provides potential habitat for WPT. Therefore, WPT has the potential to occur at the project site.

Giant Garter Snake (*Thamnophis gigas*)

Federal Status – Threatened

State Status – Threatened

Giant garter snakes (GGS) are large, aquatic garter snakes that reach lengths of up to five feet. Mating occurs from March through April. Clutch size ranges from ten to 46. GGS inhabit agricultural wetlands and other waterways including irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands. During the active season, from spring through mid-fall, GGS require adequate water to provide emergent, herbaceous wetland vegetation for foraging and cover and grassy banks and openings in waterside vegetation for basking. During the dormant season, the winter, GGS require higher elevation uplands for cover and refuge from flood waters and inhabit small mammal burrows and other soil crevices with sunny exposure along south and west facing slopes. GGS rely on small fish, tadpoles, and frogs as the main source for their diet and hunt primarily during morning and evening hours. Nighttime hours are spent in mammal burrows for cover and refuge²⁷.

There are three CNDDDB records for GGS within five miles of the project site. The nearest record is from 1992 and is located approximately 1.2 miles southwest of the project site in the vicinity of Snodgrass Slough. The only information provided for this record is that an unknown number of GGS were observed in 1992 in the vicinity of Snodgrass Slough. The drainage canal in the northwest portion of the project site provides potential habitat for GGS. Therefore, GGS has the potential to occur in the project site.

Special-Status Birds

White-tailed Kite (*Elanus leucurus*)

Federal Status – None

State Status – Fully Protected

White-tailed kites are yearlong residents in the Central Valley, Coast Ranges, and coastal areas in California. Foraging occurs in open grasslands, meadows, farmland, and emergent wetlands. Prey includes small mammals, small birds, voles, amphibians, reptiles, and insects. Roosting habitat consists of trees with dense canopies and intensively cultivated areas. Nesting habitat is located near suitable foraging habitat. Nest trees range from single isolated trees, to trees within relatively large stands (greater than 100 hectares). Nest trees/shrubs vary from shrubs less than three meters tall to trees greater than 50 meters tall²⁸. Nesting takes place from February through October with a peak season ranging May to August.

There are no CNDDDB records for white-tailed kite within five miles of the project site. The nearest record is from 1992 and is located approximately 5.8 miles northwest of the project site. In the record, two adults were observed carrying food to the presumed nest location in vegetation lining an irrigation ditch surrounded by farmland.

The riparian area within the project site provides potential roosting habitat for white-tailed kite. The agricultural cropland within the project site provides potential foraging habitat for white-tailed kite. Therefore, white-tailed kite has the potential to occur within the project site.

Swainson's Hawk (*Buteo swainsoni*)

Federal Status – None

State Status – Threatened

Swainson's hawk arrive to their breeding grounds in the Central Valley in early March. Swainson's hawk often nest peripherally to valley riparian systems as well as utilize lone trees or groves of trees in agricultural fields. Valley oak (*Quercus lobata*), Fremont cottonwood (*Populus fremontii*), walnut (*Juglans* sp.), and large willow (*Salix* sp.) trees, ranging in height from 41 to 82 feet, are the most commonly used nest trees in the Central Valley²⁹. Breeding pairs immediately construct nests, eggs are laid from mid- to late-April, and are incubated into mid-May when young begin to hatch. Young remain near the nest and depend on the adults for approximately four weeks after fledging until they permanently leave the breeding territory. Nesting occurs from March 1 to August 15. Swainson's hawk feed primarily on small mammals, birds, and insects. Young are fed rodents, rabbits, and reptiles. When not breeding, however, this hawk is atypical because it is almost exclusively insectivorous³⁰. Typical foraging habitat includes annual grasslands, alfalfa, and other dry farm crops that provide suitable habitat for small mammals. Suitable foraging habitat nearby nesting sites is critical for fledgling success.

There are 30 CNDDDB records for Swainson's hawk within five miles of the project site. There are no records within a quarter mile of the project site. Three of the 30 records occur within a half-mile of the project site. All three occurrences that occur within a half-mile of the project site were recorded more than five years ago. There are two records greater than half-mile and less than one mile from the project site. The nearest of the two records is from 2005 and is located 0.89 miles south of the project site. In the record, a female was observed on a nest in a valley oak within riparian habitat along the Mokelumne River.

The agricultural cropland within the project site provides potential foraging habitat for Swainson's hawk; therefore, Swainson's hawk has the potential to forage within the project site. Although there are willow trees present within the riparian corridor along the irrigation ditch, they are only approximately 25 feet in height. Therefore, the riparian corridor provides marginal nesting habitat for Swainson's hawk.

Questions A and D

No special-status plant species are expected to occur on the project site because the project site does not contain suitable habitat for listed plant species³¹. No impacts would occur to special-status plant species due to the proposed project. Riparian areas of the drainage canal provide potentially suitable habitat for WPTs, GGS, potential roosting habitat for white-tailed kite, and potential nesting habitat for Swainson's hawk. Construction activities would disturb these riparian areas. The proposed sump pump would impact a surface area of approximately 20 square feet and extend eight feet deep. The placement of the three new power poles would impact a surface area of approximately one square foot and extend several feet deep for each pole. The new irrigation line would disturb a surface area of approximately 500 square feet and would be buried approximately four feet deep. In addition, construction activities would also likely disturb areas immediately surrounding the proposed locations of the new pump, power poles, and pipeline.

DFG guidelines state for projects with Swainson's hawk nesting habitat that "No intensive new disturbances, such as heavy equipment operation associated with construction, shall be initiated within a quarter-mile of an active Swainson's hawk nest in an urban setting, or within a half-mile in a rural setting between March 1 and September 15 (nesting season)"³²; however, DFG guidelines exclude projects that impact less than five acres of foraging habitat. Because there are no active Swainson's hawk nests within a half-mile of the project site (all occurrences within a half-mile are from over five years ago), potential impacts to this species are considered less than significant.

Potentially significant impacts could occur to the following special-status species if they are on the project site during construction activities.

Western Pond Turtle

The following license terms pertaining to western pond turtles, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust, to ensure that no take of this species occurs:

Mitigation Measures:

- *A pre-construction survey shall be conducted by a qualified biologist acceptable to the Deputy Director of Water Rights for western pond turtle no more than two weeks prior to commencement of construction activities.*
- *Licensee shall not conduct construction activities within 50 feet of drainages from October 16 of each year to April 30 of the succeeding year to reduce the likelihood of the presence of western pond turtles in construction areas. If a western pond turtle is encountered during construction, Licensee shall cease construction and ground-disturbing activities in areas within 250 feet of the location where the western pond turtle is present and shall contact the California Department of Fish and Game for avoidance measures. Prior to restarting construction activities, Licensee shall submit to the Deputy Director of Water Rights evidence of Department of Fish and Game approval to continue construction.*
- *This license does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code, §§ 205 - 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the Licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.*

Giant Garter Snake

The following license terms pertaining to giant garter snake, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust, to ensure that no take of this species occurs:

Mitigation Measures:

- *Construction activities within the drainage canal shall occur during the active season for giant garter snake (May 1 to October 1).*
- *A biologist, whose qualifications are acceptable to the Deputy Director of Water Rights, shall be present during land clearing activities to ensure that no take of this species occurs.*

In addition, the following license term, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust:

- *Prior to land clearing or construction activities, a biologist, whose qualifications are acceptable to the Deputy Director of Water Rights, shall conduct a training session for construction field crews to inform them of the possible presence of giant garter snakes and western pond turtles, to describe their appearance and to explain actions to be taken if they are encountered during construction.*

Delta Smelt

Although Delta smelt are not likely to occur in the drainage canal, it is recommended that work in the canal occur from December 1 through July 31. The following license term, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust:

Mitigation Measures:

- *Work in the drainage canal shall occur from December 1 through July 31 for the protection of Delta smelt.*

Migratory and Nesting Birds

Active nests for white-tailed kite and other migratory birds and birds of prey, if present, could be disturbed during construction activities. The removal of an active nest during the breeding season or any disturbance that results in the abandonment of nestlings is considered a "take" of species under the Migratory Bird Treaty Act. In addition, all birds, including common species and their nests are protected from take pursuant to California Fish and Game Code section 3503. A potentially significant impact could occur if construction activities result in nest abandonment or forced fledging of these birds. The following license terms pertaining to white-tailed kite and nesting birds, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust:

Mitigation Measures:

- *If tree removal activities are to occur between February 1 and September 30, a biologist, whose qualifications are acceptable to the Deputy Director of Water Rights, shall conduct a pre-construction survey for the purpose of identifying nesting bird species prior to tree removal. The pre-construction survey shall include all potential nesting habitat within 500 feet of proposed tree removal activities. The survey shall be conducted no more than 14 days prior to the beginning of tree removal activities. If an active raptor or migratory bird nest is found during the pre-construction survey, the*

Licensee shall notify the California Department of Fish and Game. If an active raptor nest is found during the pre-construction survey, a 500-foot no-disturbance buffer shall be established and maintained around the nest until all young have fledged. If an active nest of any other migratory or non-migratory bird is found, a 250-foot buffer shall be established around the nest until all young have fledged.

Questions B and C

The proposed project is defined as a maintenance activity and there would be no change in the current purpose of use or capacity of the sump pump. The relocation of the pump would be within the same drainage canal, and a USACE Section 404 permit would not be required. The July 4, 2007 USACE Regulatory Guidance Letter Number 07-02 states, "discharges of dredged or fill material associated with construction or maintenance of irrigation ditches and maintenance of drainage ditches, are not prohibited by or otherwise subject to regulation of Section 404 (f)(1)(C)((33 CFR 323.4 (a)(3) and 40 CFR 232.3(c)(3)) of the Clean Water Act" so long as Best Management Practices (BMPs) are established. BMPs include avoidance measures to the trees in the vicinity of the current and proposed sump pump location and controlling erosion from the project site during construction activities.

The riparian corridor within the existing and proposed location of the sump pump would only be temporarily impacted as the dense understory vegetation would be restored to its original condition through natural processes. However, a DFG Section 1600 Streambed Alteration Agreement permit would be required for the proposed project.

The following license terms, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust:

- *Best management practices shall be prepared by a licensed civil engineer and submitted to and approved by the Deputy Director of Water Rights, prior to starting construction. BMPs for controlling erosion may include, but are not limited to the following: vegetation removal shall be limited to the minimum amount necessary to accommodate installation of the sump pump; temporary erosion control measures, such as silt fences, staked straw bales, and temporary revegetation, shall be installed in disturbed areas; and sediment shall be retained onsite by sediment basins, traps, siltation barriers or other appropriate measures as needed.*
- *No work shall commence and no water shall be diverted at the point of diversion on the Licensee's property under this license until a signed copy of a Streambed Alteration Agreement between the Department of Fish and Game and the Licensee is filed with the State Water Resources Control Board, Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Licensee. If a Streambed Alteration Agreement is not necessary for this project, the Licensee shall provide the Division of Water Rights a copy of a waiver signed by the Department of Fish and Game.*

Questions E and F

No local policies or ordinances protecting biological resources including preservation policies or ordinances apply to the project site. No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans have been adopted that apply to the project site. No impact would occur.

Findings

After the implementation of the license terms outlined above, impacts to biological resources as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Agricultural Resources. In determining whether impacts to agricultural resources are significant environmental impacts, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sacramento County has zoned the project site as Agricultural-80 (AG-80), which requires a minimum parcel size of 80 acres and permits one single-family dwelling per parcel plus agricultural uses. The intention of AG-80 is to allow for long-term agricultural uses and to discourage the premature and unnecessary conversion of agricultural land to urban uses³³.

The Sacramento County General Plan designates the project site as Agricultural Cropland, which represents lands most suitable for intensive agriculture. Under this designation, activities for agriculture include row crops, tree crops, irrigated grains and dairies. Single-family residences are allowed under this designation at a density no greater than one dwelling per 40 acres³⁴.

Questions A-C

Under the proposed project, the project site would continue to be used for agricultural purposes, which is consistent with both local zoning and General Plan designations for the project site.

Findings

No impacts would occur to agricultural resources as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. Noise. Would the project result in:				
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

According to the Sacramento County General Plan, potentially significant sources of noise within the County include: traffic on major roadways and highways, railroad operations, and industrial activities. The project site is bisected in a north-south direction by Interstate 5 (I-5), which is identified as a significant source of noise within Sacramento County. In general, noise sensitive areas in the County would include residential areas, schools, hospitals, or any other land use areas deemed noise sensitive by the local jurisdiction³⁵.

Questions A–D

Potential sources of noise generated at the project site would result from removal of the existing sump pump and installation of the new sump pump. These activities would be short in duration and would not generate substantial new noise.. Any noise and ground vibrations created from the diversion of water would be confined to the project site. This is considered a less-than-significant impact.

Questions E and F

The project site is located approximately two miles from Franklin Field Airport, a County-owned airport. The northeastern portion of the project site is within the two-mile radius of the Franklin Field Comprehensive Land Use Plan (CLUP). Construction activities would expose workers to short-term noise levels; however, this is considered a less-than-significant impact given the small scale of the project.

Findings

Impacts to noise as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. Land Use and Planning. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located in Sacramento County approximately ten miles southwest of Elk Grove and approximately 20 miles south of Sacramento, California. Sacramento County's General Plan Land Use Element and related policies guide the growth and development of land within the County. The Land Use Element designates the project site as Agricultural Cropland and as a Resource Conservation Area combining district.

The Agricultural Cropland designation represents lands most suitable for intensive agriculture. Under this designation, activities for agriculture include row crops, tree crops, irrigated grains and dairies. Single-family residences are allowed under this designation at a density no greater than 40 acres per residence³⁶. The Resource Conservation Area identifies lands that have special resource management needs that are either preserved or protected under conservation easements (or other forms of protection)³⁷.

According to the County General Plan Update, the project site is identified as Prime Farmland, which describes farmland with the best combination of soil properties to sustain long-term agricultural production. The project site is not listed as Unique Farmland or Farmland of Statewide importance. The County General Plan includes the following objectives to protect farmland resources:

- Protect prime, statewide importance, unique and local importance farmlands, and lands with intensive agricultural investments from urban encroachment.
- Retain agricultural land holdings in units large enough to guarantee future and continued agricultural use.
- Prime farmland, farmland of statewide importance, unique and local importance farmlands, and farmlands with intensive agricultural investments protected from encroachment by natural resource preserves without compromising biologic diversity and habitat values.
- Protect farmlands from encroachments by recreational facilities and unlawful activities associated with the use of recreational facilities.
- Increase in land under the Williamson Act contracts and percentage of contract lands with non-renewal notices stabilized or reduced.
- Reduce or eliminate groundwater cones of depression in farming areas by encouraging water conservation.

- Control wind erosion resulting from soil disturbance.
- No increase in the level or intensity of flooding of intensively farmed land.

Sacramento County has zoned the project site as AG-80. Permitted land uses under AG-80 include, but may not be limited to, the following:

- Single-family dwelling (except mobile homes);
- Single-family dwelling: over two stories or 30 feet;
- Garage sales;
- Accessory Uses and Structures;
- Agricultural Accessory Dwellings;
- Mobile homes (with compliance and maintenance parameters);
- Home occupation;
- Stand for Display and Sale of Crops Grown on Premises;
- Feed lots;
- General agriculture (except hog farm and feed lots);
- Field, vegetable, and horticulture crops; and
- Forestry and wildlife preserve.

Question A

The project site is currently developed for agricultural uses. The proposed project would not result in physical barriers that would divide an established community. No impact would occur.

Question B

The proposed project is consistent with local General Plan and Zoning designations. This is considered a less-than-significant impact.

Question C

The project site is not located within a habitat conservation plan and natural community conservation plan. The South Sacramento Habitat Conservation Plan western border is along I-5 just east of the project site. The proposed project would not have the potential to conflict with this plan, since it involves the relocation of an existing pump. This is considered a less-than-significant impact.

Findings

Impacts to land use as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. Mineral Resources. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Various mineral resources are found in Sacramento County including natural gas, petroleum, sand, gravel, clay, gold, silver, peat, topsoil, and lignite; however, aggregate products and natural gas are the principle resources in production. Known natural gas deposits are located to the southwest and southeast of the project site. According to the County General Plan, the project site is not located within an area known for high concentrations of mineral resources³⁸.

Questions A and B

No mineral resources are located near the project site as mapped by the Sacramento County General Plan.

Findings

No impacts would occur to mineral resources as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. Hazards and Hazardous Materials. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Database searches were conducted for records of known sites of hazardous materials generation, storage, or contamination, as well as known storage tank sites on or near the project site. Databases were searched for sites and listings up to a one-mile radius from a point roughly equivalent to the center of the project site³⁹. The database search resulted in zero sites within a one-mile radius of the project site. The project site was not listed on any database as having previous and/or current generation, storage, and/or use of hazardous materials. Additionally, within the one-mile search radius no sites were identified that had current and/or historic hazardous materials⁴⁰.

Questions A–G

Hazardous materials that would be used during construction and operation of the proposed project would be limited to common petroleum and agricultural products. When properly used, these products do not present a significant hazard. The proposed project is not located within a quarter mile of any existing or proposed school. A search of government environmental records did not reveal any known hazardous materials sites within the project area. The nearest airport to the project site is Franklin Field located at 12629 Franklin Boulevard in the City of Elk Grove, approximately two miles away. The northeastern portion of the project site is within the Franklin Field Comprehensive Land Use Plan (CLUP). The proposed project would not result in a safety hazard for people residing in the project area. The proposed project does not include features that would interfere with an adopted emergency plan. The proposed project is located in an area that contains fuels (e.g. grasses, shrubs, trees, vines) that are susceptible to wildland fire. No new potential sources of fire would be introduced by the proposed project. This is considered a less-than-significant impact.

Findings

Impacts to hazards and hazardous materials as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. Population and Housing. Would the project:				
a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in a rural area of Sacramento County, approximately four miles northeast of Walnut Grove and approximately ten miles southwest of the City of Elk Grove. No residential communities are located in the general vicinity of the project site. The project site is currently used for agricultural purposes.

Questions A–C

The proposed project does not involve the development of any homes or businesses. The proposed project does not involve the displacement of people or housing. Under the proposed project, current agricultural operations would continue at the project site.

Findings

No impacts would occur to population and housing as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. Transportation and Circulation. Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (<i>i.e.</i> , result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially increase hazards due to a design feature (<i>e.g.</i> , sharp curves or dangerous intersections) or incompatible uses (<i>e.g.</i> , farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies supporting alternative transportation (<i>e.g.</i> , bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is bisected by I-5 in a north-south direction and by Twin Cities Road (County Highway E13) in an east-west direction (**Figure 1**). Access to the project site is provided along Twin Cities Road.

Questions A–G

The proposed project is not anticipated to increase traffic in the project area. No substantial impediments to emergency access or incompatible uses are anticipated. The proposed project is not expected to result in inadequate parking capacity, or conflict with adopted alternative transportation policies, plans, or programs. Potential impacts are considered less than significant.

Findings

Impacts to transportation and circulation as a result of the proposed project are considered less than significant.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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12. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Public services provided to the project area include fire protection by the Walnut Grove Fire Protection District, located approximately four miles southwest of the project site. The Sacramento County Sheriff's Department, Delta Substation, provides police protection within the vicinity of the project site. Elk Grove Unified School District serves the project area with K-12th grade education.

Questions A-E

The proposed project would result in the continued use of the project site for agricultural purposes; and therefore, would not generate additional demand for government facilities or services. This is considered a less-than-significant impact.

Findings

Impacts to public services as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. Utilities and Service Systems. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Development of the proposed project would not require the use of water or wastewater treatment facilities. Other utility or service system requirements of the proposed project would be met by existing or completed infrastructure at the time of the environmental baseline conditions. Independent waste handlers serve the project site vicinity with waste hauling. The County has eight active permitted solid waste facilities that include three transfer/recycling stations and one landfill (Kiefer Landfill) all publicly owned and operated.

Questions A–G

No new wastewater would be generated as a result of the proposed project. The proposed project would not require the construction of new water or wastewater treatment facilities or any new storm water drainage features. The proposed relocation of the water sump pump would not affect any downstream water right holders, nor would it alter available water supplies. Additional water supplies, such as connection to the public water supply system, would not be required. The proposed project would not generate a significant increase in solid waste or conflict with government regulations concerning the generation, handling, or disposal of solid waste.

Findings

No impacts would occur to utilities and service systems as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. Aesthetics. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site contains scenic resources characteristic of Sacramento County. The area is relatively flat and in an agricultural/pastoral setting with a riparian area along the drainage canal. The existing agricultural use of the project site, at baseline conditions and under the proposed project, would be consistent with the rural aesthetic quality of the project site and nearby vicinity.

Questions A–D

The proposed project would not provide new sources of light or glare. The proposed project would result in the continued agricultural use of the project site. This use is consistent with the rural aesthetic quality of the project area.

Findings

No impacts would occur to aesthetics as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. Cultural Resources. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Under CEQA, historical resources are considered part of the environment (Public Resources Code, §§ 21060.5, 21084.1). A "historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific,

economic, agricultural, educational, social, political, military, or cultural annals of California (Public Resources Code, §§ 21084.1, 5020.1, subd. (j)).”

In 1992, the Public Resources Code was amended as it affects historical resources. The amendments included creation of the California Register of Historic Resources (California Register) (Public Resources Code, § 5024.1.). The State Historical Resources Commission administers the California Register and adopted implementing regulations effective January 1, 1998 (Cal. Code Regs., tit. 14, § 4850 et seq.). The California Register includes historical resources that are listed automatically by virtue of their appearance on, or eligibility for, certain other lists of important resources. The California Register incorporates historical resources that have been nominated by application and listed after public hearing. Also included are historical resources listed as a result of the State Historical Resources Commission’s evaluation in accordance with specific criteria and procedures.

CEQA requires consideration of potential impacts to resources that are listed or qualify for listing on the California Register, as well as resources that are significant but may not qualify for listing.

Cultural resources surveys of the project site were conducted by AES on September 18, 2007, and July 15, 2008; a copy of the report summarizing the findings of the surveys is on file with the Division and the North Central Information Center⁴¹. The two pump locations (existing and proposed) and immediate vicinity within which the new power poles are anticipated to be located, as well as the proposed pipeline location were visually inspected for any cultural resources. Ground visibility was generally poor at the two pump locations and immediate vicinity because of dense vegetation along the drainage canal. In order to mitigate this lack of visibility, vegetation was cleared in selected areas using a hand trowel⁴². The vast majority of the proposed pipeline alignment offered good surface visibility. No prehistoric or historic-period cultural resources were identified as a result of the archival research and field survey of the project site. A records search for cultural resources within the project site was conducted at the North Central Information Center, located at California State University, Sacramento, on September 24, 2007⁴³. The records search indicates that no prehistoric or historic-period cultural resources have been recorded within or adjacent to the project site. On September 24, 2007, the State of California Native American Heritage Commission was asked to review the Sacred Lands file for information concerning the presence of Native American cultural resources in the project area. No response has been received to date.

Questions A–D

There is the possibility that subsurface archeological deposits or human remains could be present and accidental discovery could occur with the proposed project. As such, the following license terms, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust:

- *Should any buried archaeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Deputy Director of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Licensee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be*

submitted to the Deputy Director of Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Deputy Director of Water Rights.

There is also the possibility that an unanticipated discovery of human remains could occur. The following license term, substantially as follows, shall be included in the portion of water right License 2805 assigned to Smith Family Trust:

- *If human remains are encountered, then the Licensee shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Health and Safety Code Section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground disturbance, in the vicinity of the find, shall not resume until the process detailed under Section 15064.5 (e) has been completed and evidence of completion has been submitted to the Deputy Director of Water Rights.*

Findings

After the implementation of the license terms outlined above, impacts to cultural resources as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. Recreation. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sacramento County has various types of parklands. Recreational opportunities include hiking, fishing, rafting, kayaking, horseback riding, camping, swimming, hiking, walking, and bicycling.

Questions A and B

The proposed project would result in the continued agricultural use of the project site. No new demand would be generated for the use of existing neighborhood and regional parks or other recreational activities. The proposed project does not include recreational facilities, nor require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Findings

No impacts would occur to recreation as a result of the proposed project.

17. Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Questions A–C

As discussed in the preceding sections, the proposed project has a potential degrade the quality of the environment by adversely impacting water quality, biological resources and cultural resources. However, with implementation of the identified license terms, potential impacts would be reduced to a less-than-significant level. The proposed project has a potential to result in adverse environmental impacts. These impacts in combination with the impacts of other past, present, and future projects, could contribute to cumulatively significant effects on the environment. However, with implementation of the identified license terms, the proposed project would avoid or minimize potential impacts and would not result in cumulatively considerable environmental impacts. No potentially significant adverse affects to humans have been identified.

III. DETERMINATION

On the basis of this initial evaluation

I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

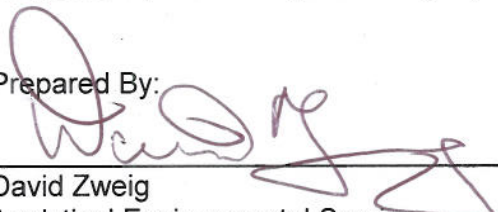
I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A NEGATIVE DECLARATION will be prepared. ☒

I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

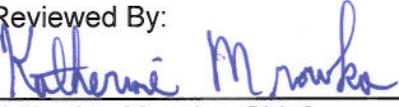
I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required. ☐

Prepared By:


David Zweig
Analytical Environmental Services

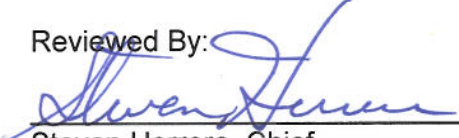
6-23-09
Date

Reviewed By:


Katherine Mrowka, Chief
Watershed Unit 3

6-23-09
Date

Reviewed By:


Steven Herrera, Chief
Water Rights Permitting Section

6/23/09
Date

(Form updated 3/28/00)

Authority: Public Resources Code Sections 21083, 21084, 21084.1, and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.1 through 21083.3, 21083.6 through 21083.9, 21084.1, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

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 - ⁵ Ibid.
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